

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAROLD ORCUTT,

Petitioner,

-against-

9:09-CV-0205 (LEK/ATB)

GARY FILLION, *Superintendent,*
Coxsackie Correctional Facility

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on June 9, 2010, by the Honorable Andrew T. Baxter, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 12).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Baxter's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 12) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

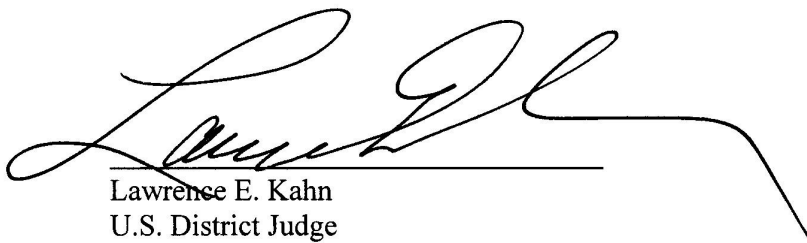
ORDERED, that the Petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED, that no certificate of appealability shall be issued; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: July 06, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge